

July 5, 2013

CA 13- 510L

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United States District Court
For the
District of Rhode Island

JOHN DEVANEY (Plaintiff)

v

Attorney Gil Martin
Attorney General for the State of
Rhode Island and Providence Plantations

A Civil Action

Plaintiff, a senior citizen, is and has been for the past eighteen years (18) continuously a resident of Monrosette Pier, a small village within the Town of Monrosette Inc., County of Washington, State of Rhode Island and Providence Plantations. Plaintiff is a natural born citizen of the United States.

Plaintiff's home, his entrance, his bed and bath face the Saint Thomas More Roman Catholic Church, its bell tower and bell.

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The Saint Thomas More church bell, to the best of Plaintiff's knowledge is not tuned. It is, however, up graded to operate mechanically by electric motor, amplified by electronic amplifier and its noise broadcast by four (4) loud speakers, it is set up by a timer to both ring and gong regularly throughout the day normally at 8:45 AM 12 noon, and 6 PM except Saturdays, whence it is rung at the additional time of 4:45 pm, on Sunday it is rung additionally at 7:45 AM and 9:45 AM for a total of approximately 700 times per week or roughly 36,000 times per year, and which rings and gongs do not include rings and gongs sounded for weddings and funerals.

When Plaintiff moved into his home some 18 years ago to St. Thomas More Church bell did not operate and had not been

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ring for many years; however, approximately 5 years after Plaintiff's moving in the St Thomas More Church bell was refurbished and upgraded to ring and gong mechanically with its sound amplified and broadcast as explained in the prior paragraph.

Plaintiff's home is an older house built around 1900. It is not air conditioned, but designed to catch the daily breezes of the area; however, in order to derive the full benefit of the breezes plaintiff must open his windows, but with the loud volume of the bell noise, the bell's frequency of operation and the number of bell claps daily, opening the window is not a reasonable alternative, also sitting on plaintiff's outdoor porch or his luggage is easily punished by the bell's volume.

Plaintiff has complained about

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the St Thomas More's Church bells volume, frequency and number verbally and or in writing to employees of the St Thomas More Roman Catholic Church, including the former and current religious administrators of Saint Thomas More, the Saint Thomas More Parish Council, the Bishop of Rhode Island and Providence Plantations and the Roman Catholic Papal Nuncio to the United States located in Washington DC, all without relief, any diminution of bell noise volume was short lived and the volume returned to ear splitting levels.

Plaintiff has complained about the noise volume of the St Thomas More Roman Catholic Church to the Town of Monrovia's Building Department, its Police Department, Clerk of the Monrovia Court, the Monrovia Town Solicitor, the Monrovia Town Manager and the Monrovia Town Council, all

without relief.

Plaintiff has complained about the St Thomas More bells app-
 eration to the Rhode Island State
 Police and the Rhode Island
 Attorney General's Office: all
 complaints have brought no
 relief or very short term re-
 lief with adjusted bell volume
 lowered briefly, then volume
 resumed again ^{to} ear splitting
 levels. Mr. Plaintiff also com-
 plained under oath to the Zoning
 Board of Town for the Town of
 Narragansett Inc.

Allegation

Plaintiff alleges Rhode Island
 Public Law 42-80 titled "Religious
 Freedom Restoration Act" Section
 42-80.1-3 is unconstitutional, *prima
 facie* under the First Amendment
 to the United States Constitution's
 establishment clause prohibiting
 Congress from making law re-

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specting to an establishment of religion, or prohibiting the free exercise thereof;

Plaintiff further alleges Rhode Island Public Law Section 42-80.1-3 raised the bar for the application of various Massachusetts state codes to the volume, number, a frequency of bell rings and songs of the Saint Thomas More Roman Catholic Church ^{bell} depriving Plaintiff an equal application and ~~an~~ equal protection of the law, ^{denying} his property rights and peace of mind.

Relief

Plaintiff Demands the United States District Court issue a declaration in chief which nulls and voids Rhode Island Public Law Section 42-8.1-3; court costs; and monetary damages.

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